

Appl. No. 10/247,286

## REMARKS/ARGUMENTS

### Status of Claims

Claims 1-12, 15-27 and 29 remain in the application. Claims 13 and 14 have been cancelled. New claims 30-34 have been added to the application.

### Amendments to Claims

New claims 30-34 are directed to a method in an OFDM transmitter for retransmitting an entire symbol or particular packets of an OFDM symbol in the event of unsuccessful reception by a receiver. Support for the methods of claims 30-34 are found on page 12, line 29 to page 14, line 3.

### 35 U.S.C 103 Claim Rejections

The Examiner has rejected claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,779,146 (Jones) in view of U.S. Patent No. 6,628,641 (Strawczynski) and U.S. Patent Application No. 20010008520 (Tiedemann Jr).

The present application and U.S. Patent No. 6,628,641 (Strawczynski) were, at the time the present invention was made, owned by or subject to an obligation of assignment to Nortel Networks Limited. The inventors of the present invention are full time employees of Nortel Networks Limited, and have a contractual obligation to assign all inventive rights to Nortel Networks Limited.

In addition to the above statement regarding common ownership, Applicant submits the following evidence of common ownership:

i) an enclosed copy of a United States Patent and Trademark Office Notice of Recordation of Assignment together with a copy of an Assignment in connection with the present application in which entire rights to the present application are assigned to Nortel Networks Limited; and

Appl. No. 10/247,286

ii) an enclosed copy of a United States Patent and Trademark Office Notice of Recordation of Assignment together with a copy of an assignment in connection with U.S. Patent No. 6,628,641 in which entire rights to the U.S. Patent were assigned to Nortel Networks Limited.

The present application and U.S. Patent No. 6,628,641 were, at the time the present invention was made, owned by or subject to an obligation of assignment to Nortel Networks Limited. The cited reference only qualifies as prior art under 35 U.S.C. 102(e). Therefore, the criteria set out in 35 U.S.C. 103(c) are satisfied, and the reference should not be used to preclude patentability under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the 35 U.S.C. 103(a) rejection of claims 1-12.

The Examiner has rejected claims 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Tiedemann Jr.

Claims 13 and 14 have been cancelled rendering the Examiner's objection moot.

The Examiner has rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Strawczynski.

Strawczynski is not citable under 35 U.S.C. 103(a) as detailed above. The Examiner is respectfully requested to withdraw the 35 U.S.C. 103(a) rejection of claim 15.

In responding to the obviousness objection to claims 1-12 and 15 in the above manner, it is to be understood that the Applicant does not concede to the statements made by the Examiner regarding what is allegedly disclosed by any or all of the references cited by the Examiner with respect to what is recited in claims 1-12 and 15. Applicant will respond to particulars of the cited art in future correspondence as necessary.

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In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

David G. Steer

By 

Allan Brett

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Date: September 28, 2005  
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Assistant Secretary and Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

MARCH 12, 1998

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RECORDATION DATE: 12/24/1997

REEL/FRAME: 8919/0108  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).



ASSIGNOR:  
STRAWCZYNSKI, LEO

DOC DATE: 12/19/1997

ASSIGNOR:  
GAGE, BILL (W.A.)

DOC DATE: 12/19/1997

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MONTREAL, QUEBEC, CANADA H3C 3J5SERIAL NUMBER: 08997982  
PATENT NUMBER:FILING DATE:  
ISSUE DATE:TARA WASHINGTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS*ny*

FORM PTO-1595 (Rev. 6-93) OMB No. 0651-0011 (exp. 4/94)		02-03-1998  100622975		SHEET Y <u>12/24/97</u>		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office
To the Honorable Commissioner of Patents and Trademarks, please record the attached original documents or copy thereof.						
1. Name of conveying party(ies): Leo Strawczynski Bill (W.A.) Gage  Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			2. Name and address of receiving party(ies): Name: NORTHERN TELECOM LIMITED Address: P.O. Box 6123, Station A, Montreal, Quebec, Canada, H3C 3J5  Additional name(s) & addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____						
Execution Date: December 19, 1997						
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: December 23, 1997						
A. Patent Application No.(s)			B. Patent No.(s)			
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: Jeffrey M. Measures NORTHERN TELECOM LIMITED Patent Department Address: P.O. Box 3511, Station C Ottawa, Ontario Canada K1Y 4H7			6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 941)..... \$40.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>14-1315</u> <i>Co. file</i>			
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9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.						
Jeffrey M. Measures - 40,272 Name of Person Signing		 Signature		<u>Dec 19/97</u> Date		
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Case: Strawczynski 20-RO3540

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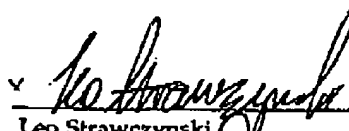
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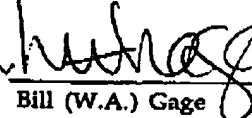
  
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☐ Additional Assignors on attached Page 2



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MARCH 13, 2001

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71493-819

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RECORDATION DATE: 12/19/2000

REEL/FRAME: 011383/0761  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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DOC DATE: 12/13/2000

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Docket No.: 71493-879

FORM P-11595 (Modified)  
(Rev. 5-92)  
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101571929

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Additional name(s) of conveying party(ies)

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## 3. Nature of conveyance:

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Execution Date: December 8, &amp; 13, 2000

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☐ Yes ☒ No

## 4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: December 13, 2000

Patent Application No. 12/217,200  
Filing date 09/09/00 09739367  
04 FC:581

B. Patent No.(s)

Additional numbers

☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

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Name of Person Signing

Signature

December 15, 2000

Date



71493-879 /ccm

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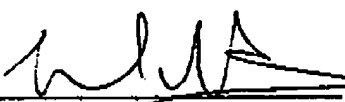
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David G. Steer      Assignor

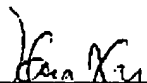

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